

**THE HONORABLE MARY JO HESTON
CHAPTER 13**

HEARING DATE: October 11, 2018

HEARING TIME: 1:00 P.M.

LOCATION: Tacoma, Washington

RESPONSE DATE: October 4, 2018

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

TIMOTHY ALLEN METZGER and
DIANE RENEE METZGER,

Debtors.

Case No.: 18-42579-MJH

TRUSTEE'S OBJECTION TO CONFIRMATION
WITH STRICT COMPLIANCE

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to
confirmation as follows:

BACKGROUND

Debtors filed this Chapter 13 case on July 27, 2018. The applicable commitment period is sixty months. The case is currently in the second month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is October 5, 2018. Scheduled unsecured claims total \$262,145.00. The Trustee estimates that under the proposed plan general unsecured creditors will receive approximately \$0.00.

OBJECTION

- ☐ Plan is not feasible:
- ☐ Plan is not proposed in good faith or is forbidden by law:
- ☐ Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B):
- ☐ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4):
- ☒ Schedules or other documentation insufficient:
- (1) Debtors must provide evidence of their claimed change in income, including post-petition pay advices.
- (2) Debtors must provide evidence of their claimed insurance deductions. ECF # 1, pg. 43.
- (3) Debtors must provide evidence of their claimed \$550.00 telephone, cell phone, internet expenses. ECF # 1, pg.44.
- (4) It appears debtors omitted their interest in bank accounts held at Alaska USA FCU and US bank. These accounts should be added to the schedules and exempted if applicable.
- ☒ Other: Paragraph IX lists an interest rate, which is not applicable and should be removed.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtors be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 24th day of September, 2018.

/s/ Matthew J.P. Johnson
Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee

1 **CERTIFICATE OF MAILING**

2 I declare under penalty of perjury under the laws of the United States as follows: I
3 mailed via regular mail a true and correct copy of the Trustee's Objection to Confirmation with
4 Strict Compliance to the following:

5 Timothy Allen Metzger
6 Diane Renee Metzger
7 11210 – 215th Ave. E.
8 Bonney Lake, WA 98391

9 The following parties received notice via ECF:

10 Ellen Ann Brown
11 James K. Miersma
12 US Trustee

13 Executed at Tacoma, Washington on the 24th day of September, 2018.

14 /s/Tracy Maher

15 Tracy Maher
16 Office Manager
17 Michael G. Malaier
18 Chapter 13 Trustee
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